



## **CITY OF HAYWARD**

### **AGENDA REPORT**

AGENDA DATE 12/13/05

AGENDA ITEM 3

WORK SESSION ITEM \_\_\_\_\_

**TO:** Mayor and City Council

**FROM:** Director of Community and Economic Development

**SUBJECT:** Development Agreement for the Proposed Garin Vista Residential Development Project

#### **RECOMMENDATION:**

It is recommended that the City Council adopt the attached resolution authorizing staff to conduct CEQA review and prepare a draft development agreement in conjunction with the planned development and tract map applications for the proposed Garin Vista residential development project.

#### **BACKGROUND:**

In July of 2003, the City Council took several actions related to the Mission-Garin Annexation Study. One of those actions involved creation of a new design overlay district, the Mission-Garin Area Special Design District (SD-5). The SD-5 provisions indicate the maximum potential for dwelling units for the significant properties within the SD-5 district boundaries. For the currently proposed Garin Vista site, a total of 169 units are indicated.

Staff has received a development proposal, referred to as "Garin Vista," that would entail construction of 126 single-family units on the undeveloped lands to the east of the terminus of Woodland Avenue, east of Mission Boulevard (see attached map). Like the residential development proposal at the La Vista Quarry site that was approved by the City Council in July of this year, the project site is located in unincorporated Alameda County and is proposed to be annexed to the City of Hayward as part of the Mission-Garin Annexation area. The project applicant, Garin Vista, LLC, desires to enter into a development agreement with the City.

A development agreement can prove beneficial for both the city and the developer by providing protection from future changes in the law, by allowing the clear definition of mitigation measures at the outset of the project, and by allowing mutual agreement of fees and exactions, some of which may even exceed statutory restrictions. In sum, a development agreement offers greater opportunities to gain public amenities than could otherwise be achieved under the land use approval process alone.

In accordance with the City's Development Agreement Ordinance, before a development agreement can be prepared, the City Council must determine that the proposed project meets the standards set forth in the ordinance. The purpose of the ordinance is "to strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the costs of development by providing an option to both the city and developers to enter into development

agreements.” The ordinance indicates that “such agreements shall only be used for large multiphase developments, low and moderate income housing developments meeting state or federal standards, and developments involving the installation or provision of substantial public facilities or services which may require several years to complete.”

Staff would suggest that the proposed development meets such criteria in that the project would involve several items, including:

1. installation of water and sewer mains and extension of laterals to properties on Bodega Street, as well as improving Bodega Street to City standards for a private street,
2. contributions for development of a new community center in the vicinity, as well as contributions toward development of a new 30-acre park adjacent to the approved La Vista development project, and
3. formation of a geologic hazard abatement district.

It is important to note that the Council action required by the ordinance does not imply either support for or approval of the proposed project. Neither does it imply any obligation on the part of the City Council to approve any draft development agreement which may accompany the land use applications. It simply allows the city and developer to specifically and more carefully delineate how certain aspects of the development might be handled to better address the needs and concerns of both parties. Approval of a development agreement is contingent upon and contemporaneous with the land use approvals.

Prepared by:



David Rizk, Senior Planner

Recommended by:



Sylvia Ehrenthal  
Director of Community and Economic Development

Approved by:



Jesús Armas, City Manager

Attachments:

Exhibit A: Site Map  
Draft Resolution

12/7/05

**DUE TO THE LENGTH OR COLOR  
OF THE REFERENCED EXHIBIT,  
IT HAS BEEN ATTACHED AS A  
SEPARATE LINK.**

**DRAFT**

HAYWARD CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_

Introduced by Council Member \_\_\_\_\_

RESOLUTION AUTHORIZING CEQA REVIEW AND THE  
PREPARATION OF A DRAFT DEVELOPMENT  
AGREEMENT TO BE CONSIDERED IN CONJUNCTION  
WITH THE LAND USE APPLICATION FOR THE  
PROPOSED GARIN VISTA RESIDENTIAL DEVELOPMENT  
PROJECT

WHEREAS, staff has received a development proposal that would entail construction of 126 Single-family units on the undeveloped lands to the east of the terminus of Woodland Avenue, east of Mission Boulevard.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby finds that the proposed project meets the standards specified in Hayward Municipal Code Section 10-9.01 *et seq.* and directs staff to conduct the appropriate CEQA review and prepare a draft development agreement to be considered in conjunction with the development application submitted for the Garin Vista residential development project.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2005

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

**City Attorney of the City of Hayward**